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12 DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP,  
13 AMERICAN CASUALTY COMPANY OF READING, PA,  
14 NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA and  
15 CONTINENTAL CASUALTY COMPANY

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17 UNITED STATES OF AMERICA for the Use and  
18 Benefit of ISEC, INC.,

Case No.: 3:08-CV-01932 -PJH

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING CASE  
SCHEDULE AND CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Phyllis J. Hamilton

21 DICK/MORGANTI, a joint venture, DICK  
22 CORPORATION, THE MORGANTI GROUP,  
23 AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
24 INSURANCE COMPANY OF PITTSBURGH, PA,  
CONTINENTAL CASUALTY COMPANY, and  
DOES 1 through 10, inclusive,

## Defendants.

1 Pursuant to Civil Rule 6-2, the parties, Use Plaintiff ISEC, Inc. ("ISEC"), on the one hand,  
 2 and Defendants Dick/Morganti, a Joint Venture ("Dick/Morganti"), Dick Corporation, The  
 3 Morganti Group, American Casualty Company of Reading, Pennsylvania; Continental Casualty  
 4 Company; National Union Fire Insurance Company of Pittsburgh, PA, on the other, hereby  
 5 stipulate and agree as follows:

6 This case arises out of the construction of the San Francisco Federal Building. Since the  
 7 date the complaint was filed, the parties have discussed how to resolve (or at least narrow) the  
 8 issues between them arising out of the Project, and these discussions continue. In particular, the  
 9 parties are discussing the extent to which the claims asserted by ISEC are properly the subject of  
 10 Dick/Morganti's claim against the Project owner, the United States General Services  
 11 Administration. Under the circumstances, the parties desire to continue the various case  
 12 management deadlines that have been established by 14 days.

13 The parties have previously stipulated, and the Court has previously allowed, time  
 14 extensions for the response to the complaint to June 27, July 16 and July 30, 2008, and  
 15 corresponding time extensions to the Rule 26 report and initial case management conference. The  
 16 parties have filed the ADR Certification.

17 The parties hope and expect that this will be a final stipulation of this type. Settlement  
 18 discussions are taking place in earnest.

19 The parties stipulate and agree that the following case schedule should be established:

- 20 ➤ Deadline for defendants' response to complaint: August 13, 2008.
- 21 ➤ Last day to file Rule 26(f) report, complete initial disclosures or state objection in  
 22 Rule 26(f) report and file case management statement per Standing Order re  
 23 Contents of Joint Case Management Statement: August 14, 2008.
- 24 ➤ Initial Case Management Conference: On or about August 21, 2008, on a date to  
 25 be set by the Court.

26 A declaration in support of this stipulated request is attached.

27

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1  
2 Dated: July 29, 2008

MUZI & ASSOCIATES

3 By:

/s/

Dana L. Harris  
Attorney for ISEC, INC.

6  
7 Dated: July 29, 2008

THELEN REID BROWN RAYMAN & STEINER LLP

8 By

/s/

John W. Ralls

9  
10 Attorneys for Defendants DICK/MORGANTI, DICK  
11 CORPORATION, THE MORGANTI GROUP,  
12 AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA  
and CONTINENTAL CASUALTY COMPANY

13 **ORDER**

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 The Court sets the initial case management conference (previously scheduled for August 7,  
16 2008) for \_\_\_\_\_, 2008 in Courtroom 3, 17<sup>th</sup> Floor, San Francisco at  
17 \_\_\_\_\_.

18  
19 Dated: \_\_\_\_\_, 2008

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21 Hon. Phyllis J. Hamilton  
United States District Court  
22 Northern District of California  
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**DECLARATION OF JOHN W. RALLS**

I, John W. Ralls, declare:

1. I am an attorney-at-law, a partner with Thelen Reid Brown Raysman & Steiner LLP and counsel of record for the defendants in this case, including defendant Dick/Morganti, a joint venture.

2 The plaintiff, ISEC, Inc. and the defendants, are engaged in settlement negotiations  
that may resolve this entirely. This case arises from the construction of the San Francisco Federal  
Building ("Project"). A major issue in the on-going discussions is whether and to what extent  
ISEC's claims are properly the subject of Dick/Morganti's claims against the Project owner, the  
United States General Services Administration, and so should not be prosecuted against the  
defendants.

3. I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on July 29, 2008, in San Francisco, California.

John W. Ralls